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ABSTRACT

This unit's purpose is to teach elementary students responsibility toward their pets by examining laws related to owners' responsibilities, medical care, and items which can be purchased for pets. The project, intended to cover 15 class days, provides teaching concepts and resources and presents each lesson in terms of a problem. Lessons include boarding a pet, allowing a pet to have babies, caring for pets, deciding upon legal ownership, and handling legal issues involving pet offenses. A mock trial, which concerns a pet's destruction of a person's property and the act's resultant altercations, is appended. Information concerning preparations for the trial, witnesses' statements, the major arguments of the plaintiff and the defendant, and the bailiff's and judge's roles are included. An outline for a classroom discussion about possible ways this case might have been decided is provided. A calendar, which can be used to plan the unit, is included. (JHP)

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PETS:

A Third/Fourth Grade

Law-Related Education Unit

. . . teaching students about Responsibility through Pet ownership

LAW RELATED EDUCATION UNIT 3/4 GRADE LEVEL P E T S

Monday	Tuesday	Wednesday	Thursday	Friday
Day 1 Introduction Concept Diagnosis Problem A: List making	Day 2 Problem B: Why puppies? +/- The Oregonian	Day 3 Guest Speaker: Oregon Humane Society	Day 4 Problem C: Guest Speaker: Veterinarian -care & feeding -good owners What responsibilities have you not realized?	Day 5 Responsiblility toward others: litter of puppies role play
Day 6 Problem D: Whose Dog Is It? (story) Problem E: Groups make rules about when a dog should belong to owner/finder	Day 7 Problem F: Bosco Goes Bonkers (story) Read, discuss Trial Procedure	Day 8 Preparation for Trial Trial Procedure "How to Prepare for a Trial" Roles of Plaintiff/ defense-what to do	- - - - - - - - - - - - - Role playing trial procedure to illicit objections. Create enthusiasm for competitive cooperation	- - - - - - - - - - - - Practice questioning and objections Be ready for trial by end of this day
Day 11 Trial Rehearsal Standard of evidence preparation	Day 12 Trial Decision	Day 13 Problem G: Summation and Evaluation When does one go to trial	Day 14 Problem H: Negotiation and Mediation	Day 15 How Else Could the Problem of Bosco be Solved?
NOTES for next session:				

Law-Related Education Unit 3/4 PETS

Self Responsibility DAY 1

Introduction:

How many of you have, or have had, pets? What kinds? Along with having a pet go alot of other things.

Concept Diagnosis:

Without naming kinds of pets, tell me what words come to mind when I say "pet".
(record responses on chalkboard)

In this unit, we will deal with some of the laws involving owners' responsibilities; medical care; things we buy for pets; etc.

Resources:

4 copies of phone company yellow pages

Problem A:

You are leaving next week for a vacation in South America. You will be gone for a month. Your dog, Herman, will need to be boarded.

Divide into 4 groups of 3-5 students to:

1. Look in the yellow pages for places to keep Herman while you are gone. Select 3 possibilities that look reasonable for the size of your dog, your location and travel plans.

2. Make a list of questions that you will ask when you call or visit these places.

3. Make a list of things to look for when you visit one of these "dog hotels".

Share the findings of the groups in a large group situation.

DAY 2

Resources:

chart of dog breeds
number of puppies in a litter for relative size
classification section of newspaper for every 2 persons (exclude Sunday)

Problem B:

You have a female dog and think it would be fun to let her have puppies. Why?

1. Discuss the pros and cons of having puppies.

2. Do a cost/benefit analysis.

Divide into pairs.
Read the pet section of The Oregonian.
Calculate the number of puppies for sale on your day.
How many other puppies would you estimate might also be available but not listed here?
Return to large group and calculate the total number of puppies for sale.

In preparation for tomorrow, consider what might be some of the responsibilities for a dog/puppy owner? What might be the consequences of irresponsibility?

A speaker will be here tomorrow to discuss these questions.

DAY 3

Problem B continued

Guest Speaker: Oregon Humane Society and film "The Animals Are Crying"

Topic: The consequences of pet owners; irresponsibility and the destructionof pets

Discussion following presentation.

DAY 4

Problem C

You decide to go ahead and let your female dog have puppies.

What are your responsibilities for the animal's care and feeding?
What goes into making a good pet owner?

Guest Speaker: Veterinarian

Topic: Care of dogs in general; pregnant mother dogs; puppies

Class to take notes on responsibilities they have not realized before. Discuss those realizations following the presentation.

DAY 5

Problem C continued

The puppies are born.

Discuss:

What must you do to prepare the puppy for its new home? (immunizations, worming, healthy weaning, not misrepresented)
What questions would you ask of the prospective owners?

Divide class into groups of 4 to prepare spontaneous plays on what your responsibilities are towards others, i.e., the persons who will be your puppy's new owners?

Plays (feedback on discussion)

Group discussion following plays:
What can you do, if anything, if the new owners do not take care of the puppy? Legally; as a concerned breeder; as a citizen?
What would you send with the new puppy and owners to ensure you have done your part?

DAY 6

Problem D

Whose Dog Is It?

Read the following story and discuss the implications. (Story is taken from lesson plans On Authority, Law in a Free Society Project, 1976).

"Whose Dog Is It?"

Cindy learned how to take very good care of her puppy. She fed him and brushed him and played with him every day. One afternoon, as Cindy and Yapper were having a game of tag, Cindy's mother called to her.

"Cindy, could you please come here and help me for a minute?" Cindy picked Yapper up and set him on the porch.

"I'll be right back, Yapper, now you stay here," Cindy told her little dog.

When Cindy came back outside, Yapper was nowhere to be seen. Cindy looked everywhere. She could not find him. Cindy's mother helped her look. So did her two brothers and her best friend Judy. They asked all of the neighbors if they had seen a little brown puppy with a white spot on his ear. No one had. It was already dark when Cindy, her brothers, her mother and Judy stopped looking for the day.

"Don't worry, Cindy," her mother said. "Yapper will probably come home. Someone may find him and bring him back."

"But he wasn't wearing a dog tag, Mother," Cindy cried. "No one will know that he's mine."

"We'll put up a sign that says 'lost dog' at the market," her mother said. "That way if someone around here finds a dog they'll know he's yours."

Cindy felt so sad. Why had she left Yapper alone? She should have known better. Day after day went by. No Yapper. Months began to pass. Cindy still missed Yapper but after a long while she got used to his being gone. She even began to think about someday getting another dog.

One day, almost a year after Yapper had disappeared, Cindy and her mother drove to a shopping center way over on the other side of the town where they lived. Cindy and her mother parked their car and started to walk toward a dress shop that was having a big sale. Then Cindy saw him. There was no mistaking her dog. There was Yapper walking down the sidewalk on a leash that was held by a boy about her age. Yapper was still brown with a funny white spot on one ear. Only he wasn't a puppy any more. No, he was a grown dog.

"There he is!" Cindy shouted. "That's my puppy--that's Yapper!"

Cindy ran toward the boy who was walking the dog. "That's my dog. Where did you get him?"

The boy looked surprised. "This isn't your dog," he said, "he's mine."

"Where did you get him?" Cindy demanded.

"I found him--almost a year ago. He was just a little puppy them. He was skinny and hungry and had been in a fight. I found him running through traffic downtown. I took care of him and fed him and helped him get well. I bought him a license. And now he's mine."

"But he's my dog. I lost him," Cindy pleaded. "I love him and I miss him."

"Well, I love him too," the boy answered. "I've had him longer than you did even if he was your dog. He wasn't wearing a tag so I didn't think he belonged to anyone. I thought he was a stray."

Yapper was sleek and happy. Cindy could see that he like the boy who was leading him. But Cindy still felt that Yapper was hers and she wanted him back.

Suggestions for Teachers	Possible Student Responses
Whom does Cindy think the dog belongs to? Why does she think so?	(Students explain that Cindy thinks the dog belongs to her and explain why she thinks so, e.g., "She probably thinks the dog belongs to her because she had him first"; "Because she had him as a puppy, she thinks he still belongs to her"; "She thinks he is hers and that she lost him, but now that he has been found he should be returned to her.")
Whom does the little boy think the dog belongs to? Why does he think so?	(Students explain that the little boy thinks the dog belongs to him and explain why he thinks so, e.g., "He thinks the dog is his because he found him"; "He probably also thinks the dog is his because he has a license for him"; "He probably feels that he saved the dog's life and that even if the dog did used to belong to Cindy, he doesn't anymore"; "Maybe he feels that because he has had the dog for so long it should belong to him.")

What rights do you think the owners of a dog should have?	(Students describe rights they think the owner of a dog should have, e.g., "The owner should have the right to name the dog, to decide how to care for the dog, to play with the dog, maybe the right to give the dog away.)
What responsibilities do you think the owner of a dog should have?	(Students describe responsibilities they think the owner of a dog should have, e.g., "The owner should be responsible for making sure the dog is fed and brushed and cared for"; "He should also be responsible for keeping the dog safe by using a leash and by getting a dog license and getting shots for the dog"; "The owners should also be responsible for seeing that other people are protected from the dog"; "Maybe they should be responsible for training the dog, too.")
What do you think should be done if the owner of a dog loses the dog? Should the person who lost the dog have ownership rights or should the person who found the dog have ownership rights?	(Students give their opinions e.g., "The person who lost the dog is the owner and the dog should be returned"; "The person who found the dog should be allowed to keep it"; "It depends on the situation"; "If the dog just got lost it should be returned to the person who lost it but if the dog ran away it probably was not well cared for and should be given to the person who found it.")

PROBLEM E:

Divide into groups and suggest rules or policies about when a dog should belong to the owner or to the finder.

After discussion of the story "Whose Dog Is It?", the students will suggest policies for establishing the scope and limits of ownership of the dog that has been lost, considering the probable consequences and possible benefits and costs of each suggestion. They might decide which of the policies they would strongly recommend for implementation. Such areas of consideration might be:

(list on chart paper)

1. circumstances under which a lost dog should be returned to the person who lost it (old owner); and
2. circumstances under which a lost dog should become the property of the person who found it (new owner).

In doing so, the teacher might help them consider:

1. whether the dog was lost as a result of the owner's failure to carry out certain responsibilities, e.g., keeping the dog in a fenced area, keeping the dog on a leash, making certain the dog is wearing a tag.
2. whether the dog was lost or whether it ran away;
3. whether the owner tried to find the dog;
4. whether the owner had taken good care of the dog, e.g., fed it, given it love, washed it, given it exercise;
5. whether the person who found the dog knew the dog was lost and tried to find the owner;
6. whether the person who found the dog cared for it;
7. whether the dog preferred the original owner or the person who found it; and,
8. how much time had passed since the owner lost the dog.

When the policies or rules have been adopted, the students might apply them in deciding whether Cindy or the boy in the story should be considered the owner of the dog.

The groups whould then share their findings.

DAY 7

Problem F:

Your dog gets into trouble and you end up in the court room.

Law student lecture: What happens in court?
What will happen to you, your dog, the offended party?
What will the judge and jury decide?

Read the following story and discuss the implications.

"Bosco Goes Bonkers"

Mr. Jones owns a Golden Retriever named Bosco. Mr. Jones is a good dog owner. He gives Bosco lots of food and love. He loves to play, pet, and romp with Bosco. Bosco is a happy puppy, even though he is almost full-grown. Bosco likes to play. He loves to run, jump, dig holes, chase cats, chew up new shoes, chew up old shoes, chew up anything! (itchy teeth, you know!) He also loves to run after sticks.

Mrs. Smith lives next door to Mr. Jones. She does not have a dog or any other kind of pet for that matter. Instead she has a beautiful garden to love and care for. She works in it every day. Her garden has won prizes. Mrs. Smith is very proud of her garden for she has helped every flower grow and bloom. Her favorite flower is her prized roses. She bought these roses five years ago when they were small little shoots. With her care and love, they have grown into beautiful red rose bushes.

Mr. Jones puts Bosco in the garage to sleep. Bosco doesn't like to sleep in the garage so he barks all night. The barking Bosco doesn't bother Mr. Jones because he has a pair of ear plugs. But it bothers Mrs. Smith! She is unable to sleep at night because of the barking. Mrs. Smith tells Mr. Jones to keep Bosco quiet at night. Mr. Jones tells Mrs. Smith that as long as Bosco barks in his garage and on his property, Bosco can bark all he wants and whenever he wants. Mr. Jones tells Mrs. Smith to buy some ear plugs like he did.

One sunny day Mr. Jones puts Bosco in his backyard to play. He ties a rope around Bosco's collar and ties the rope to a pole. Bosco doesn't like the rope. The rope is old and not very thick. Bosco chews through it quite easily. Mr. Jones KNOWS that Bosco has very sharp teeth.

Bosco, free of the rope, is a very happy puppy. He is so happy that he runs over to Mrs. Smith's garden. Bosco decides to dig a hole--right in the middle of Mrs. Smith's rose garden! Bosco, still a puppy, doesn't know his own strength and he accidently damages some of Mrs. Smith's prized roses.

Mrs. Smith looks out of the window and sees what Bosco is doing. She gets very angry for Bosco is hurting her "babies". She picks up a broom to hit Bosco and runs out into the garden. Bosco doesn't see Mrs. Smith until she is almost on top of him. He is unable to run away. Mrs. Smith is angry and starts swinging the broom. Bosco is scared to death! He is scared so badly that he bites Mrs. Smith on the leg. He doesn't mean to bite hard.

As Bosco runs away, Mrs. Smith picks up a rock and throws it at Bosco. At that instant, Mr. Jones comes out of his house to feed Bosco. The rock misses Bosco and hits Mr. Jones on the head.

Incorporate role playing into the discussion of the following questions to acquaint the students with court roles.

Discussion Questions

1. If you lived next door to Mr. Jones, would Bosco's barking at night bother you?
2. Does Mrs. Smith have a right to ask Mr. Jones to keep Bosco quiet? Why?
3. What if Mrs. Smith doesn't like ear plugs? What can she do to get Mr. Jones to keep Bosco quiet?
4. Does Mrs. Smith have a right to live in her house without Bosco's barking?
5. Does Mr. Jones have the right to let Bosco bark all night because Bosco is barking in his garage?
6. Is it Bosco's fault that he got loose or is it Mr. Jones?
7. What could Mr. Jones have done to keep Bosco from getting loose?
8. Who is responsible for Bosco?
9. Does he have a duty to keep Bosco tied securely?
10. Does Mr. Jones have a duty to keep Bosco from running into Mrs. Smith's yard?
11. Does Mrs. Smith have a duty to build a fence around her garden?
12. Is it Mr. Jones' fault or Mrs. Smith's fault that Bosco got into her garden?
13. Who should pay for the damaged roses?
14. If Mr. Jones should pay, how much should he pay?
    a. the amount that the roses cost Mrs. Smith when she bought them; or
    b. the amount that the roses were worth when Bosco destroyed them; or
    c. the amount that they were worth to Mrs. Smith? (How do we decide what the roses were worth to Mrs. Smith?)
15. Do you think that Mr. Jones should be punished and have to pay more than just what the roses cost?
16. Why did Mrs. Smith try to hit Bosco?
17. Did Mrs. Smith have the right to hurt Bosco to protect her roses?
18. Whose fault is it that Bosco bit Mrs. Smith; Bosco's, Mrs. Smith's, Mr. Jones'?
19. Does Bosco have any excuses?
20. Should Mr. Jones, as Bosco's owner, have to pay Mrs. Smith for any doctor's bill she had to pay as a result of Bosco's sharp teeth?
21. Should Mr. Jones have to pay Mrs. Smith for any pain and suffering that she had to endure as a result of Bosco's itchy teeth?
22. Did Mrs. Smith have a right to throw a rock at Bosco?
23. Does Mrs. Smith owe Mr. Jones anything for hitting him on the head?
24. Should she have to pay Mr. Jones for his doctor's bill and/or pain and suffering?
25. Should it make any difference that Mrs. Smith didn't mean to hit Mr. Jones?

26. What other excuses might Mrs. Smith have?

(Teacher divides the class into plaintiff and defense groups before the next session. Each person is assigned a role: attorneys, witnesses, bailiff, clerk, etc. A jury will be obtained from older students.)

Roles:	Smith	vs.	Jones
Witnesses:	Mrs. Smith Rhoda Dendron		Mr. Jones Bosco
Attorneys:			opening statment Mrs. Smith Rhoda Dendron Mr. Jones Bosco closing statement

Bailiff:
Clerk:
Judge:

DAY 8, 9, 10

Trial Preparation:

Display the cast of characters so that students will have a vested interest in understanding the presentation on trial procedure (handout "How to Prepare for Trial")

Divide into two groups, the opposing sides, with a law student and teacher for each group.

Explain what each character will be doing. Make it personal and "psych" students for their roles.

Role play the trial procedure to elicit arguments and objections. Include the idea of competitive cooperation.

Why call each witness?

What can the witness say to strengthen or weaken your position?

What leading questions would you ask?

Use witness statement information sheets, the story, and "How to Prepare for Trial" in formulation of questions.

By end of Day 9, all questions should be written.

DAY 10: Practice questions with witnesses.
Practice opening and closing arguments
Critique presentations so each student is ready to go for rehearsal
Bring up possible objections and practice them.

DAY 11

Trial Rehearsal:

Discuss the standard of evidence

Rehearse the trial

DAY 12

Trial and Decision:

DAY 13

Summation and viewing of video tape of trial.

Discuss the value of various disciplines contributing to the unit. What did they add to your understanding?

DAYS 14, 15

Problem G:

Mediation and Negotiation.
How else might this case have been handled?

Trip to Court on "Dog Day"

APPENDIX

HOW TO PREPARE FOR TRIAL

1. Learn the facts of your case. Go back over the story and think:

   A. What facts support your side?

   B. What facts weaken your side?

   C. What facts weaken their side?

The best way to do this is to make an outline of what happened.

2. Witnesses

   A. Decide which witnesses to call to the stand.

   B. Call only witnesses who can support your side.

   C. Give a list of those witnesses and the order in which you will call them to the opposing side.

3. Write a set of questions for each witness your side will call

   A. These collective questions are called direct examination.

   B. Ask questions that will bring out the facts or prove or support your case.

   C. Go over the questions with your witness.

4. Write a set of questions for each witness the other side will call.

   A. These questions are called cross-examination.

   B. Your aim in cross-examination is:

      1). To help the witness to admit some fact which will help your side or
      2). To show the witness is lying, or is unsure or confused.

5. Be careful - The opening statement is not the time to argue your case.

6. Write a closing argument.

   A. Closing argument is your last chance to tell the jury why.

   B. Review your case, outline your arguments.

C. Argue, yell, get mad and be Perry Mason.

7. Prepare Voir Dire (Jury Selection)

A. Voir Dire occurs at the beginning of the trial.

B. You will ask each jury candidate a question or more and decide if you want him or her on the jury.

C. Your aim is to choose jurors who will be fair to your side.

D. For example:

1). Are you related to the judge, the lawyers, or anyone else involved in this trial.

2). Has anyone close to you been involved in a similar type case?

8. Object to improper questioning.

A. Listen carefully to the questions of the opposing lawyer.

B. You may object if you think something the opposing lawyer is doing or saying is unfair because it is:

1). Not relevant
2). Leading
3). Hearsay
4). Browbeating

Witness Statement: Bosco

My name is Bosco. I am a Golden Retriever. I'm 8 months old. My master is Mr. Jones. He is a good master. He feeds me, plays with me, and gives me treats. I love to dig holes, I just can't help myself. I'm still a puppy and I don't really know the rules yet.

On October 2, 1982, my master took me outside and tied me to a pole with a rope. I waited for awhile watching the clouds, but I soon became bored. I started chewing through the rope. In a short time I chewed through the rope and was free. I ran around for awhile and chased a butterfly. I chased the butterfly into Mrs. Smith's yard. The Butterfly landed on one of Mrs. Smith's flowers. The ground was so soft around the flower that I suddenly got the urge to dig a hole.

As I was digging I heard a scream and I turned around to see this lady rushing towards me with a big stick. She started swinging it at me. I ducked. I was so scared. If she hit me with that stick she would really hurt me. I don't know what happened except that to get away I nipped the lady on her ankle. I made sure that I didn't bite her hard.

My master later told me that I was bad for digging a hole in her garden. I didn't know that I wasn't supposed to dig holes in other people's yards. I thought I wasn't supposed to dig holes in just my yard. I'm just a little puppy - I didn't know.

WITNESS STATEMENT: Mrs. Smith

Plaintiff

My name is Alice Smith. I live at 2AZ Palimino Road. I have lived there for 12 years. I have a beautiful garden. In my garden I used to grow the most beautiful roses. I planted those roses 6 years ago. I won prizes for them in gardening contests. They meant everything to me. Those roses were like my family --- I loved them so much.

On October 2, 1982, I was doing my dishes when I looked out the window and saw the most horrible sight. Bosco, that terrible dog from next door, was digging up my babies, my beautiful Roses! I was so upset. I ran outside, grabbed my broom, and tried to chase the dog out of the yard. Bosco bit my leg and ran off.

I went to the doctor's and had the bite treated. By poor roses were broken and destroyed. I'm so lonely and sad. Mr. Jones, the owner of Bosco, should have kept him tied up. That dumb Bosco is such a nuisance. He barks all night and Mr. Jones never does anything. I have asked him several times to keep Bosco quiet and out of my yard. He nevers listens to me.

WITNESS STATEMENT: John Jones

Defendant

My name is Jack Jones, I lived at 1AZ Palamino Road. I have lived there for 15 years. I have always had pets - dogs that is. There are lots of dogs in our neighborhood.. No one keeps their dogs tied up. My dog Bosco is a sweet dog. He really is a puppy and is still learning to act properly. I try to keep him in my yard, at least until he grows up and learns how to behave. But it is impossible to watch him all the time. I love Bosco! As a puppy he sometimes acts CRAZY, but he doesn't know any better.

On October 2, 1982, I had to fix something in my house. I took Bosco outside. Around 11:00 a.m. I looked out the window. I did not see Bosco tied up. I looked across the way and saw Mrs. Smith swinging a big broom at my poor baby Bosco. Bosco didn't have a chance. I ran downstairs and out the back door. As I came out of the back door I saw poor, frightened Bosco running as fast as he could from Mrs. Smith. I ran over to see what happened. As I did Mrs. Smith picked up a rock and threw it at me for no reason. The rock hit me on the head.

I went to the hospital. The Doctor put a bandage on my gash. Since the rock throwing incident I have had constant headaches.

I'm sorry that Mrs. Smith lost her roses, but I don't think I'm responsible. I tied Bosco up - What more could I have done?

Mrs. Smith said that Bosco attacked and bit her. That allegation is totally untrue! I think she fell down and scratched herself - crazy old lady! Even if Bosco did - he was only trying to defend himself from being hit over the head with a broom.

WITNESS STATEMENT: Rhoda Dendron

Flower Expert

My name is Rhoda Dendron. I live at 111 Mint Julep Lane, in Roseburg, Oregon. I am an expert on flowers - my specialty is roses. I saw Mrs. Smith flowers the day before they were destroyed. What a tragedy! Those roses were the finest I had ever laid eyes on, that is in my expert opinion. I was a judge in a garden contest in which Mrs. Smith entered her roses. We gave her and her flowers first prize. From the roses' great beauty, it was obvious she had spent a lot of time growing and taking care of them. Those roses were a real work of art.

PLAINTIFF'S (Mrs. Smith's) LAWYER'S INFORMATION SHEET

1. Your job is to convince the jury to believe Mrs. Smith's story and give Mrs. Smith what she wants.

2. In this case the major points for you to prove are:

   A. Bosco got loose and ran into Mrs. Smith's garden.

   B. Bosco is Mr. Jones' dog.

   C. It is his duty and responsibility to make sure that Bosco doesn't cause other people problems.

   D. Mr. Jones tied Bosco up with a very old thin rope.

   E. Mr. Jones knew that Bosco had sharp teeth.

   F. If Mr. Jones had been more responsible and had used a stronger rope, Bosco never would have gotten loose.

   G. Because Mr. Jones did not take proper care in tying up Bosco, Mrs. Smith's prized roses were destroyed and she was bitten by Bosco.

   H. As to the rock that hit Mr. Jones - Mrs. Smith is not responsible for any injury to Mr. Jones because:

1). She was protecting her property.

2). It was an accident.

3). She was so upset, she didn't know what she was doing.

3. What facts show that the defendant, Mr. Jones, should be held responsible for the damage caused to Mrs. Smith?

A. Mr. Jones owned Bosco.

B. He knew Bosco liked to run and dig holes.

C. He knew that Bosco had sharp teeth

D. The rope that he used to tie Bosco was old and thin.

4. What facts show that Mrs. Smith and her property were hurt?

DEFENDANT (Mr. Jones's) LAWYER'S INFORMATION SHEET

1. In this civil case your job is to convince the jury that it is not Mr. Jones' (the defendant) fault that Mrs. Smith's flowers were destroyed.

2. The major points for you to show are:

   A. Mr. Jones was not responsible for what happened to Mrs. Smith or her flowers.

   B. Mr. Jones did what <u>any reasonable person</u> like you or I would do - he tied Bosco up with a rope.

   C. Mr. Jones took precautions.

   D. Mrs. Smith is just as much at fault for not putting up a fence around her yard.

   E. It is Mrs. Smith's fault that Bosco bit her - she tried to hit Bosco.

   F. Bosco only acted in self defense.

   G. The flowers were not worth that much money.

   H. Mrs. Smith was not hurt by the bite.

3. What facts weaken the other side:

A. Mrs. Smith did not have a fence around her garden.

B. Mrs. Smith attacked Bosco.

C. Mrs. Smith hit Mr. Jones with a rock.

D. Think -what other facts weaken the other side?

BAILIFF INFORMATION SHEET

1. It is your job to make sure the trial runs smoothly.

2. Arrange the schoolroom to look like a courtroom.

   A. What things will you need for the trial?

      1). Gavel
      2). Robes for the Judge
      3). A Bible
      4). A clock or watch

   B. Where should participants sit?

3. You are in charge of the jury

   A. You lead the jurors in and out of the courtroom at the correct times.

   B. While the jury is out deciding the case, you will be responsible for seeing that none of the jurors talk with any outsiders.

4. Make sure there is order in the courtroom.

A. If anyone is talking loudly, walk over to that person and quietly tell him or her to be quiet.

B. Swear in each witness.

"Do you swear to tell the truth, the whole truth, and nothing but the truth in this case under penalty of perjury, so help you God?"

C. Swear in the Jury.

"The jury will rise, raise your right hands and be sworn in.

Do you solemnly swear that you will well and truly try the issues now to be given to you; that you will speak nothing to anyone of the business or matters you have in hand, nor will you let anyone speak to you about the same but in court and when you are agreed upon any verdict, you will keep it secret until you deliver it up in court? Do you all so swear?"

INFORMATION FOR THE JUDGE

1. Judge Fairly

   A. Your job is to act somewhat like a referee during the trial.

   B. You must not favor either side

2. Rule on Objection

   A. It is your job to decide whether to rule in favor (sustain) or against objections (overrule) made by the lawyers.

   B. It will be helpful to write down (with your teacher) some examples of proper and improper questions before the trial.

   C. When a lawyer makes an objection, ask him or her to state the reason for the objection.

3. Instruct the jury

   A. At the end of the trial, when all the evidence has been presented, it is your job to instruct the jury.

B. Your teacher will help you prepare these questions.

4. Order in the Courtroom

A. Keep order in the courtroom

B. Do not let things get out of hand.

C. Tell all witnesses or lawyers to speak up if the jury can't hear them.

Suggestions for teachers planning a mock trial:
- Marianne Sweeney

* Give the judge this information before hand:

    1) A copy of the case.

    2) Time needed (10 minutes before trial is scheduled to start plus time after trial for debriefing).

    3) How you will select jury - will there be voir dire?

    4) Jury instructions (have law student help prepare this).

* Prepare signs

    PLAINTIFF DEFENSE JUDGE BAILIFF

    WITNESS DO NOT DISTURB
    TRIAL IN PROGRESS

* Arrange for another class, preferably older children, to be available to watch and serve on the jury.

* Instruct Bailiff to get to room 15 minutes ahead of time to be sure that:

    1) robe
    2) gavel
    3) sticky pad or tape and pen (for exhibits)
    4) typed versions of jury oath and witness oath
    5) signs

    are all in place.

* Microphones: Three are preferable - one for witness stand and one each for the defense attorneys and plaintiff's attorneys.
  Rehearse with mircophones

* Videotape: Have a third party in charge of videotaping. Practice with videotape to check for room arrangement and distracting items in background.

* Miscellaneous: Be sure the doors to the room have been oiled. Invite parents to stay for debriefing. Perhaps include cookie and punch reception to follow.